

The State Bar of California

FACT SHEET

THE CALIFORNIA BAR EXAMINATION

Over the years, the California bar examination has evolved to meet the profession's changes and challenges. This has meant a greater emphasis on testing practical skills and knowledge of professional responsibility. But practicing law in California requires more than passing the bar. Applicants must obtain a specified score on a nationally administered and graded professional responsibility exam, pay required fees and successfully undergo a moral character screening. In addition, applicants must not be reported as in arrears with child or family support payments.

Since July 1983, the California bar examination has consisted of three basic parts: The Multistate Bar Examination (MBE), an essay portion consisting of six questions, and an additional written portion known as performance tests.

The MBE is a 200-item, multiple-choice test that measures an applicant's ability to analyze legal issues arising from certain facts. The essay portion also measures such skills but does so in the form of six essay questions.

Performance tests go a step further. A performance test question measures an applicant's ability to use fundamental lawyering skills in a realistic situation. They test an applicant's ability to complete tasks that a beginning lawyer should be able to handle. Specifically, a performance test question requires applicants to (1) sort relevant facts from irrelevant ones; (2) analyze statutory, case and administrative materials for principles of law; (3) consider ethical rules of practice; and (4) apply the law to the relevant facts in a manner likely to resolve the client's problem.

Applicants must also pass a professional responsibility examination administered by the National Conference of Bar Examiners. This two-hour exam, called the Multistate Professional Responsibility Examination, tests applicants on legal ethics and rules of professional conduct. The exam is given in March, August and November of each year.

The California bar examination is administered twice a year, once in February and again in July. The three-day test is conducted by the State Bar's Office of Admissions and Committee of Bar Examiners.

Keeping Score

Beginning with the February 1987 examination, the Committee of Bar Examiners instituted a grading procedure designed to assure that the difficulty of the examination remains unchanged from test to test. A statistical technique called “scaling” converts scores on the written section to the same scale of measurement as the multiple-choice-based Multistate Bar Examination.

MBE accounts for 35 percent of the total possible score and the written sections account for 65 percent. To pass the examination, applicants must achieve a final score of 1,440 points out of a possible 2,000. Applicants who do not pass the California bar examination may take it again as often as they wish.

Qualifying for the Test

Unlike most other states, California allows graduates from a range of law schools to take the bar examination. Such schools include schools approved by the American Bar Association, schools accredited by the state bar but not approved by the ABA and schools that are not approved by the ABA nor accredited by the state bar. Correspondence law schools are also included. In addition, applicants who have not attended law school may qualify for the test if they trained in a law office or judge’s chamber in accordance with certain rules and procedures and meet certain additional requirements.

Out-of-state Attorneys

Some out-of-state lawyers who want to practice in California may take the Attorneys’ Examination, which is administered by the state bar’s Office of Admissions and the Committee of Bar Examiners. This test is held in February and July of each year, at the same time that law students take the general bar examination. It is only available to lawyers who have been active bar members in good standing in another United States jurisdiction for at least four years immediately preceding filing the application. Out-of-state attorneys who do not meet those qualifications, and attorneys admitted in foreign jurisdiction, must take the general bar examination.

The Attorneys’ Examination includes the same essay test and written performance test given to non-attorney applicants. Out-of-state attorneys must also achieve a specified score on the nationally administered professional responsibility examination that other applicants take. However, the Attorneys’ Examination does not include the Multistate Bar Examination, a multiple-choice test of legal analytical skills, given to other test takers. To practice in California, all out-of-state attorneys’ must successfully undergo a moral character screening and a review of possible family or child support payments arrears. They must also pay required fees.

History of the Examination

The nation’s first bar examination was administered in 1763 in the colony of Delaware, where aspiring attorneys took an oral test before a judge. This method was adopted across the country and continued for more than 100 years. Only in the late 19th century did many

overworked judges delegate the testing task to committees of attorneys. Eventually, the oral test gave way to a written examination, which was introduced in California in 1919.

For many years the California examination consisted of essay questions only. In 1972, the Multistate Bar Examination, with its multiple-choice format, was added. The MBE is prepared and scored by the National Conference of Bar Examiners.

In 1975, California became the first state to introduce the Professional Responsibility Examination -- a two-hour test on legal ethics and rules of professional conduct. In 1980, the Multistate Professional Responsibility Examination, based on California's test, was introduced in some other states under the supervision of the National Conference of Bar Examiners. It is now used in 54 jurisdiction, including California.

In July 1983, California initiated performance test questions to measure how well applicants perform certain practical skills associated with typical legal practice. Until then, the bar examination had focused entirely on testing law school graduates' knowledge of the law and their analytical abilities. The decision to include the written performance tests came after a thorough review of the results of research studies conducted in conjunction with the July 1980 bar examination. It indicated the tests provided a 'reliable means of measuring important lawyering skills that are not assessed fully by the traditional essay and multiple-choice portions of the examination,' according to the Committee of Bar Examiners.

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